

C.A. No. 05-768-SLR

The bases for this motion are more fully set forth in the accompanying brief. In summary form, district courts — including this Court — commonly bifurcate and stay damages issues in patent cases to promote efficiency and expedite the litigation process. The requested bifurcation and stay would simplify and streamline discovery and trial for both the Court and the parties. Defendant Conor Medsystems, Inc. ("Conor") would not be prejudiced by an order bifurcating and staying damages issues. Indeed, Conor has not yet provided any damages discovery and has previously suggested that the October 15, 2007 trial date in this action would not allow it

sufficient time for discovery. The requested Order would address this suggested concern, reducing the amount of fact and expert discovery necessary prior to the October 15, 2007 trial.

WHEREFORE, Plaintiffs respectfully request that the Court, pursuant to its inherent power, Fed. R. Civ. P. 42(b) and 28 U.S.C. § 1292(c)(2), grant this motion and enter an Order bifurcating and staying discovery and trial of all damages issues pending resolution of the underlying liability issues.

Respectfully submitted,

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Dated: October 17, 2006

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CERTIFICATE OF SERVICE

I, Adam W. Poff, Esquire, hereby certify that on October 17, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on October 17, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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